

REMARKS

Thorough examination of the application is sincerely appreciated.

According to the Office Action, claims 1-9, 12-18 and 21-23 were rejected under 35 USC 102(e) as being anticipated by UK Patent Application GB 2 362 071 (hereinafter the “Nokia” reference). In response, the rejections are respectfully traversed for the following reason.

It is respectfully submitted that pursuant to 35 USC 102(e), a person shall be entitled to a patent unless:

“(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.”

It is respectfully submitted that the Nokia reference fails to fall into any of the above categories of the statute. As elucidated in Section 706.02(f)(1) of the MPEP regarding the examination guidelines for applying references under 35 USC 102(e), the potential reference must be a U.S. patent, a U.S. published application, or a WIPO publication of an international application. Clearly, the Nokia reference is neither a U.S. patent nor a U.S. published application. In addition, the Nokia reference is not a WIPO publication of an international application. Therefore, the Nokia reference cannot be properly applied under 35 USC 102(e).

In view of the above, it is respectfully submitted that the Nokia application does not qualify as prior art under 35 USC 102(e) in the present application. It is therefore respectfully requested that the rejections be withdrawn and claims allowed. An early notice of allowance is respectfully requested.

If the Examiner attempts to apply the reference under 35 USC 102(a), it is respectfully

submitted that its effective date, which is the publication date, is November 7, 2001. The 371 date of the present application is August 1, 2001. In addition, the present application claims foreign priority to UK Application 0024326.2 filed October 4, 2000. Hence, in all respects the Nokia reference does not qualify as prior art under 35 USC 102(a) either.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. If there are any questions, the Examiner is respectfully requested to call the undersigned attorney at the number listed below.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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